



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

OCT 01 2018

VIA EMAIL AND CERTIFIED MAIL

Mr. Darrell A. Fruth
Brooks Pierce
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601

Re: Rudy's Performance Parts, Inc.

Dear Mr. Fruth:

The Environmental Protection Agency ("EPA") sent a Request for Information Letter ("2016 RFI Letter") to your client, Rudy's Performance Parts, Inc. ("Rudy's"), on December 7, 2016.¹ Rudy's signed for the letter on December 12, 2016. Rudy's response to the RFI Letter was due on January 6, 2017; yet, as of the date of this letter, Rudy's still has not provided the EPA with a complete response.

Despite the EPA's repeated efforts to work collaboratively with Rudy's, Rudy's has failed to respond to most of the questions in the 2016 RFI Letter ("RFI Questions"). Specifically, Rudy's has failed to answer RFI Questions 2-17, and Rudy's has failed to provide a complete response to RFI Question 1. Please note that the 2016 RFI Letter was issued under Section 208(a) of the Clean Air Act ("CAA"), 42 U.S.C. § 7542(a), and failure to provide the requested information in its entirety, and in the format requested, could result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b).

Please find enclosed a second Request for Information Letter ("2018 RFI Letter").² Rudy's has attempted to justify previous delay and non-cooperation by citing confusion regarding the specific information sought by the EPA. To preclude any additional confusion, the questions in the 2018 RFI Letter are very specific. However, if Rudy's still anticipates being

¹ The 2016 RFI Letter is enclosed as Attachment 1.

² The 2018 RFI Letter is enclosed as Attachment 2.

unable to answer the 2018 RFI Letter within thirty days, take note that Rudy's must provide appropriate written justification for the delay within seven days of the date of the Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Tozzi". The signature is fluid and cursive, with the first name "Lauren" and last name "Tozzi" clearly distinguishable.

Lauren Tozzi, Attorney-Advisor
Air Enforcement Division
Office of Civil Enforcement

Enclosure

ATTACHMENT 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 07 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN THE MATTER OF: Rudy's Performance Parts, Inc.

ATTENTION:

Mr. Aaron Rudolf
Rudy's Performance Parts, Inc.
7422 Whitsett Park Road
Burlington, NC 27215

Mr. Aaron Rudolf
Rudy's Performance Parts, Inc.
1021 Dunleigh Drive
Burlington, NC 27215

Carolina Performance Parts, Inc.
209 Old Franklin Grove Drive
Chapel Hill, NC 27514

Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency ("EPA" or "We") hereby requires Rudy's Performance Parts, Inc. ("Rudy's" or "you"),¹ to submit certain information as part of an EPA investigation to determine your compliance with Sections 203(a) and 213(d) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7522(a) and 7547(d), and the applicable motor vehicle regulations at 40 C.F.R. Parts 85 and 86. Examples of vehicles or engines regulated under these Parts include, but are not limited to cars and pickup trucks. Appendix A provides definitions. Appendix B provides instructions for your responses to this Request for Information. Appendix C specifies the information that you must submit.

The EPA issues this Request for Information under Section 208(a) of the CAA, 42 U.S.C. § 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA, Title II, Part A – Motor Vehicle Emission and Fuel Standards, Sections 202-219, 42 U.S.C. §§ 7521-7554, to perform tests and provide information necessary to determine whether the person is acting or

¹ See definition 5 in Appendix A.

has acted in compliance with the CAA and the regulations promulgated thereunder. The Administrator has delegated this authority to the undersigned Director of the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

You must submit this information to the EPA representative listed below within thirty (30) calendar days from the date of this Request for Information. Please carefully review the instructions, definitions, and specific requests as you prepare your response. If you anticipate being unable to fully respond to this Request for Information by this date, you must contact Lauren Tozzi, Attorney-Adviser, by telephone at (202) 564-4904 or by email at Tozzi.Lauren@epa.gov, within seven (7) days of the date of this Request for Information and, with an appropriate justification, request an extension of time to answer some or all of the requests below. If timely submitted, the EPA will review your request and may extend the time in which your response must be provided.

Failure to provide the requested information in its entirety, and in the format requested, may result in additional inquiries and may result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). It is important that your responses be clear, accurate, organized, and complete. We will regard any submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes.

Finally, you must submit all requested information under an authorized signature with the following certification (provided in Appendix E):

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.


We may use any information submitted in response to this Request for Information in an administrative, civil, or criminal action.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information, in accordance with the procedures described in the Confidentiality of Business Information ("CBI") regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to your CBI claim. Appendix D of this Request for Information specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit all requested information, via courier service or overnight delivery, to:

Lauren Tozzi, Esq.
Air Enforcement Division, Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC Federal Building, South
Room 1111-C, Mail Code 2242A
Washington, DC 20460

Any questions concerning this Request for Information should be directed to Ms. Lauren Tozzi at (202) 564-4904 or Tozzi.Lauren@epa.gov.

 Evan Belser
for Phillip A. Brooks
Director
Air Enforcement Division
Office of Civil Enforcement

Appendix A

Definitions

1. All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Motor Vehicle and Non-Road Regulations found at 40 C.F.R. Parts 85, 86, 89, 90, 1051, and 1068.
2. The terms “document” and “documents” mean any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy shall also include attachments to or enclosures with any document.
3. The term “entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization, or association.
4. The term “person” includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
5. The terms “Rudy’s,” “you,” and “your” include, but are not limited to, Rudy’s Performance Parts, Inc., Rudy’s Performance Diesel, Carolina Performance Parts, Inc. and any parent organization, affiliate, predecessor, successor, and assignee organization.
6. The term “Affiliate” means any organization or entity associated with you as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization or entity acting in lieu of you or the entities named in Definition 5.
7. The term “motor vehicle” means any self-propelled vehicle designed for transporting persons or property on a street or highway. *See* Section 216 of the CAA, 42 U.S.C. § 7550(2).
8. The term “applications” means all vehicle or engine configurations.
9. The term “emission related parts” means those parts installed for the specific purpose of controlling emission or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance as defined in 40 C.F.R. § 85.2102.

10. The term "element of design" means any control system (*e.g.*, computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine, as defined in 40 C.F.R. § 86.094-2.
11. The term "part or component" includes any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine (*e.g.*, electronic control module ("ECM"), element of design, tuner, tune, calibration map, computer program or software that is installed on or designed for use in such vehicles or engines).
12. The term "electronic control module" or "ECM" means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. The ECM uses software programming including calculations and tables of information to provide the appropriate outputs. ECM can be a generic term but may refer specifically to the engine control module when discussing emission controls on vehicles and engines. Other ECMs may be incorporated separately with multiple units used to control various engine, vehicle, or equipment functions. Examples of electronic control modules include, but are not limited to, Engine Control Module, OBD Control Modules, Powertrain Control Module ("PCM"), Transmission Control Module ("TCM"), Body Control Module ("BCM"), and after-treatment control module. Any or all of these modules may be combined into a single unit.
13. The term "engine tuner" or "tuner" means any device or product capable of accessing, altering, or replacing the software programming, calculations, computer logic, tables of information (*e.g.*, fuel timing maps), coding, or other content or information stored within or used by an electronic control module.
14. The term "selective catalytic reduction" or "SCR" includes systems that inject a reductant, such as diesel exhaust fluid ("DEF"), into the exhaust stream where it reacts with a catalyst to convert nitrogen oxides ("NO_x") emissions to nitrogen gas ("N₂") and water ("H₂O").
15. The term "onboard diagnostics" or "OBD" includes systems that monitor components that can affect the emission performance of the vehicle to ensure that the vehicle remains as clean as possible over its entire life, and assists repair technicians in diagnosing and fixing problems with the computerized engine controls. If a problem is detected, the OBD system illuminates a warning lamp on the vehicle instrument panel to alert the driver.
16. The term "exhaust gas recirculation" or "EGR" includes systems that direct, usually by use of a valve, a portion of engine exhaust back into the engine's combustion chamber in order to control combustion temperatures and pressures, thereby reducing the production of NO_x. The EGR system may include a cooler that cools the recirculated exhaust.

17. The term “Diesel Particulate Filter” or “DPF” refers to an exhaust after-treatment device that physically traps particulate matter (“PM”) and removes it from the exhaust stream of diesel fueled vehicles and equipment, typically using a porous ceramic or cordierite substrate or metallic filter.
18. The term “catalysts” includes systems that contain parts or chemical elements that increase the rate of a chemical reaction but are not one of the original reactants or final products, i.e., are not consumed or altered in the reaction. Catalysts consist of a flow-through structure that is coated with an active metal catalyst and surrounded by a stainless steel housing.

Appendix B
Instructions for Responses

1. Provide a complete, detailed response to each of the requests in Appendix C, below. Provide any narrative responses or lists in English, in both written document form and in electronic form (*e.g.*, Word, Excel), provided you have access to spreadsheet software. Please contact Ms. Lauren Tozzi at (202) 564-4904 or Tozzi.Lauren@epa.gov, if providing the responses in Excel format will be an issue.
2. This Request for Information is a continuing request. You must promptly supplement your response to any request in Appendix C in the event you learn that you possess responsive information not yet produced or if you gain possession, custody, or control of responsive information after initially responding to this Request for Information.
3. For each answer, please provide the number of the request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, please provide the number of the request to which it responds. Where information is responsive to more than one numbered request, provide that information only once, but indicate on the responsive material the numbers of all requests to which the information is responsive.
4. When a response includes a quantity with units of measure, specify the units of measure.
5. Where documents or information necessary for a response is not in your possession, custody, or control, indicate in your response why such documents or information is not available or in your possession, custody, or control, and identify any source that either possesses or is likely to possess such information.
6. All submitted documents should be copies and not original documents.
7. Where you have previously submitted information to the EPA that is also the subject of these requests, re-submit that information in accordance with these instructions (Appendix B). Identify the material that was previously provided, the date on which it was provided, how the information was provided (*e.g.*, electronically, fax, mail), and the individual at EPA to whom it was provided.
8. Please provide your response to this Request for Information in electronic form. Please provide the Statement(s) of Certification (Appendix E) in hard copy form with your response. All responsive documents and materials (*e.g.*, copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable format, submitted on a disk (CD or DVD media) or flash drive, and number stamped in sequential order (*e.g.*, BATES stamped) to permit identification using unique references.

Where spreadsheets are responsive to a request, produce them in unlocked electronic spreadsheet format, such as .xls or .csv (locked spreadsheets, .pdf files, and images are unacceptable). Please contact Ms. Tozzi if providing the information electronically will be an issue.

9. Where a person at an entity other than you is responsible for a response to a request in Appendix C, clearly indicate in your response which entity is providing the response, as well as the person.

Appendix C
Request for Information

Rudy's Performance Parts, Inc., and any of its affiliates ("Rudy's" or "you") shall submit the following information to the EPA, pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, regarding certain parts or components that you either offered for sale or sold since January 1, 2014.

1. With respect to your accounting database covering purchase and sales of parts or components, provide a copy of your purchase and sales records covering all parts or components you sold between January 1, 2014 and the present. This can be a data export from an electronic database, electronic copies of hard records, or both.
2. For each part or component offered for sale or sold by you between January 1, 2014 and the present, identify the part or component as:
 - a. an engine tuner;
 - b. an engine tune;
 - c. replaces, modifies, bypasses, allows for deletion or partial deletion, or affects a vehicle's:
 - i. electronic control module or other part of an engine's control system;
 - ii. diesel particulate filter ("DPF") system;
 - iii. exhaust gas recirculation ("EGR") system;
 - iv. catalytic converter system ("catalyst");
 - v. on-board diagnostic system ("OBD");
 - vi. selective catalytic reduction system ("SCR");
 - vii. any other emissions related parts; or
3. For each part or component offered for sale or sold by you between January 1, 2014 and the present, provide a description of the part or component if not included in response to Request 2.a.-c. above.
4. For each part or component identified in Requests 2.a.-2.c., provide a list of all websites, magazines, trade publications, and any other media in which you advertised the part or component at any time since January 1, 2014, and provide copies of such advertisements.
5. For each part or component identified in Requests 2.a.-2.c., submit copies of any applicable installation or operation guides or manuals.
6. Provide a description of all of the methods Rudy's utilizes or has utilized since January 1, 2014, to tune ECMs and identify all locations by address where Rudy's conducts tunes of ECMs.

7. Provide a description of any software application you utilize or have utilized since January 1, 2014, to tune ECMs, and provide all user manuals associated with such software application(s).
8. Identify the names of all Rudy's employees or individuals assisting Rudy's in creating software tunes for ECMs since January 1, 2014.
9. For parts or components that are identified in response to Requests 1 through 2 above, state whether any emission testing was conducted to assess the effect such parts or components have on vehicle emissions and provide the following information:
 - a. A description of the test, including identification of part or component and vehicle, the EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures;
 - b. A sample test report and any training or instructional materials used for educating employees and affiliated persons about how to perform the test; and
 - c. The date and location of the test, the name and position of the person who conducted the test, and the test results.
10. For parts or components that are identified in response to Requests 1 through 2 above, state whether you or any person submitted an application for an Executive Order to the California Air Resources Board and provide a copy of the application for each part or component. State whether each component received an Executive Order exempting the component from California's emission control system anti-tampering law, California Vehicle Code § 27156. If the component received an Executive Order, provide the Executive Order number and state whether the California Air Resources Board required any change the component or application in order to receive approval.
11. Please state "yes" or "no," if Rudy's has ever manufactured and imported any vehicle and engine parts and components.
12. If the answer to Request 7 is yes, then please provide a list of all parts and components manufactured and imported by Rudy's.
13. Please state "yes" or "no," if, since January 1, 2014, Rudy's has installed a part or component on or modified any compression or spark ignition engine.
14. If the answer to Request 9 is yes, then please provide a full detailed account of the installations and modifications of those vehicles and engines, including, but not limited

to: a list of all invoices, parts and components installed, make and model of the vehicle/engine, ECM tuning conducted, tuners installed, and the names of the individuals who conducted the installation or modifications.

15. Identify each individual responsible for responding to this Request for Information, including his/her title(s), the request(s) to which each individual responded, and the period of time for which each individual is providing a response.
16. Provide a copy of Rudy's certificate of good standing, articles of incorporation, by-laws, and partnership or membership agreements, as applicable. Provide a list of Rudy's officers, directors, shareholders, members, managers, or partners, as applicable.
17. Provide a list of all companies, domain names, or any other public facing name which are owned by or affiliated with Rudy's.

Punch-It Performance

18. Please provide a narrative description of the relationship between Rudy's and Punch-It Performance, DNS Enterprises, and Michael Schimmack (collectively referred to as "Punch-It").
19. Please provide all correspondence, contracts, and agreements between Rudy's and Punch-It from January 1, 2014 until the present.
20. Please state "yes" or "no," if Punch-It has ever contacted Rudy's regarding a recall or buy-back program.
21. If the answer to question 20 is "yes," please provide all information pertaining to such recall or buy-back program, including when Rudy's was informed of the recall or buy-back program.
22. Please state "yes" or "no," if Rudy's has ever purchased, owned, or been in possession of products produced and/or sold by Punch-It.
23. If the answer to question 22 is "yes," please provide a copy of your purchase and sales records covering all such parts between January 1, 2014 and the present. This can be a data export from an electronic database, electronic copies of hard records, or both.
24. Please state "yes" or "no," if Rudy's currently owns or is in possession of products produced and/or sold by Punch-It.
25. If the answer to question 24 is "yes," please provide a list and quantity of Punch-It products currently owned or in possession by Rudy's.

26. Please state "yes" or "no," if, since January 1, 2014, Rudy's has shipped tuners to Punch-It to be programmed.
27. If the answer to question 26 is "yes," please provide a narrative description of this arrangement, including the specific work that Punch-It performed, the original source of any tuners that were sent to Punch-It, and any payments associated with this arrangement.

Appendix D

Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, Subpart B. Under Section 208(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means "the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information." See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, Subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this Request for Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business competitive edge. See 40 C.F.R. §§ 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this Request for Information, in accordance with 40 C.F.R.

§ 2.204(e)(4), the EPA is requesting that you answer the following requests with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential (e.g., until a certain date, until the occurrence of a specified event, or permanently)? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding requests? If so, you may provide such additional explanation.

You must furnish comments to the above requests concurrent with your response to this Request for Information if you have claimed any information as business confidential. *See* 40 C.F.R.

§ 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality

claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Lauren Tozzi, Esq.
Air Enforcement Division, Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC Federal Building, South
Room 1111-C, Mail Code 2242A
Washington, DC 20460

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these requests, as provided in 40 C.F.R. § 2.203(b). Information covered by such a business confidentiality claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

CERTIFICATE OF MAILING


I, Tawanna Cathey, certify that I sent a Request for Information pursuant to Section 208 of the Clean Air Act by Certified Mail, Return Receipt requested, to:

✓ Rudy's Performance Parts, Inc.
Aaron Rudolf, President
7422 Whitsett Park Road
Burlington, NC 27215

Rudy's Performance Parts, Inc.
Agent for Service of Process
Aaron Rudolf, President
1021 Dunleigh Drive
Burlington, NC 27215

Carolina Performance Parts, Inc.
209 Old Franklin Grove Drive
Chapel Hill, NC 27514

On the 7th day of December, 2016.


Tawanna Cathey, Secretary
U.S. Environmental Protection Agency

Certified Mail Receipt Number: 7032630 000113019250

Appendix E
Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by _____ [corporate affiliation] to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date:

Signature:

Name (Printed):

Title:

ATTACHMENT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OCT 01 2018

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA EMAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN THE MATTER OF: Rudy's Performance Parts, Inc.

ATTENTION:

Mr. Aaron Rudolf
Rudy's Performance Parts, Inc.
7422 Whitsett Park Road
Burlington, NC 27215

Mr. Darrell A. Fruth
Brooks Pierce
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601

Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency ("EPA") hereby requires Aaron Rudolf, Rudy's Performance Parts, Inc., Rudy's Diesel, Rudy's LLC, Carolina Performance Parts, Inc., and Outlaw Diesel Super Series ("Rudy's"), and any of their parent organizations, affiliates, predecessors, successors, and assignees (collectively "You"),¹ to provide the information requested below ("Information Request").

EPA issues this Information Request under Section 208(a) of the Clean Air Act ("CAA"), 42 U.S.C. § 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with these requirements and the regulations promulgated thereunder. The Administrator has delegated this authority to the undersigned Chief of the Vehicle and Engine Enforcement Branch in the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

Appendix A provides definitions, some of which may differ from those in previous requests. Appendix B provides instructions for Your responses to this Information Request. Appendix C specifies the information that You must provide. Appendix D provides information about asserting a claim of confidentiality over information You provide in response to this Information Request. Appendix E contains the form with which You are required to certify the

¹ See definition 5 in Appendix A.

truth and completeness of Your response. Appendix F is an Excel workbook provided by EPA to organize Your responses to Requests 1 through 10.

This Information Request follows on a prior request sent to Rudy's. Specifically, EPA previously sent Rudy's a similar request pursuant to the CAA on December 7, 2016. In this Information Request, EPA seeks information relevant to the timeframe from January 1, 2014, through the date of this Information Request, as well as additional information to clarify information Rudy's previously provided.

You must provide this information to the EPA representative listed below within thirty (30) calendar days from the date of this Information Request. Please carefully review the instructions, definitions, and specific Requests as You prepare Your response. If You anticipate being unable to fully respond to this Information Request by this date, You must make a written request for an extension of time describing an appropriate justification for the extension to Lauren Tozzi of my staff at tozzi.lauren@epa.gov, within seven (7) days of the date of this Information Request. If timely made, EPA will review Your request and may extend the time in which Your response must be provided.

Failure to provide the requested information may result in a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries and penalties. Pursuant to Sections 208 and 307 of the CAA, 42 U.S.C. §§ 7542(a)–(b), 7607(a), EPA may request additional information, inspections, or depositions. It is important that Your responses be clear, accurate, organized, and complete. EPA will regard any information that is misleading, false, incomplete, or provided without regard to its accuracy as a violation of the CAA and/or criminal statutes.

You must provide all requested information with the following certification, signed by Aaron Rudolf:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

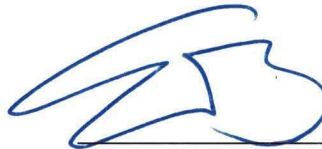
You may be entitled to assert a business confidentiality claim covering all or part of the information provided in response to this Information Request as specified in the Confidentiality of Business Information ("CBI") regulations, 40 C.F.R. Part 2, Subpart B. You must specify the page, paragraph, and sentence when identifying the information subject to Your CBI claim. Appendix D of this Information Request provides process and substantiation requirements for asserting business confidentiality claims. EPA may, without further notice, provide the public with any information not subject to a CBI claim.

EPA may use any information provided in response to this Information Request in an administrative, civil, or criminal action.

Please provide all requested information, via courier service or overnight delivery, to:

Lauren Tozzi, Esq.
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
William Jefferson Clinton Federal Building, Room 1111-C
Washington, D.C. 20004

Questions concerning this Information Request should be directed to Lauren Tozzi at (202) 564-4904, tozzi.lauren@epa.gov.



Evan Belser
Chief
Vehicle and Engine Enforcement Branch
Air Enforcement Division
Office of Civil Enforcement

Appendix A

Definitions

All terms used in this Information Request will have their ordinary meaning unless such terms are defined below or in the CAA, 42 U.S.C. §§ 7401–7671q, or the Motor Vehicle and Non-Road Regulations found at 40 C.F.R. Parts 85, 86, 89, 90, 1036, 1037, 1039, 1048, 1051, and 1068, in which case they shall have their meanings as defined therein.

1. The term “affiliated organization” means any organization or entity associated with another entity as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization, or entity acting in lieu of another entity.
2. The term “applications” means all vehicle or engine configurations.
3. The term “catalysts” means systems or devices which increase the rate of a chemical reaction but are not one of the original reactants or final products, *i.e.*, the catalyst is not consumed or altered in the reaction. The term “catalysts” includes emission control catalysts such as diesel oxidative catalysts.
4. The term “diagnostic trouble code” or “DTC” means any malfunction code that sets when a malfunction is detected by the OBD.
5. The term “diesel oxidative catalyst” or “DOC” means exhaust aftertreatment devices that reduce emissions from diesel-fueled vehicles and equipment. DOCs generally consist of a precious-metal coated, flow-through honeycomb structure contained in a stainless steel housing. As hot diesel exhaust flows through the honeycomb structure, the coating of precious metal causes a catalytic reaction that breaks down pollutants into less harmful components. The DOC includes all hardware, components, parts, sensors, subassemblies, software, auxiliary emission control devices (“AECDs”), and calibrations that collectively constitute the system for implementing this strategy.
6. The term “diesel particulate filter system” or “DPF” means all hardware, components, parts, sensors, subassemblies, software, AECDs, calibrations, and other Elements of Design that collectively constitute the system for controlling emissions of particulate matter by trapping such particulates in a filter and periodically oxidizing them through thermal regeneration of the filter
7. The term “Edge Products” includes, but is not limited to, any of the following individuals or entities acting together or individually: Edge Products, LLC, David Martinez, and any parent organization, affiliate, predecessor, successor, and assignee organization.
8. The term “electronic control unit” or “ECU” (a/k/a “engine control module” or “ECM”) means an electronic hardware device, together with the software and calibrations installed on the device, that is capable of controlling, among other things, the operation of the emission control system in a motor vehicle.
9. The term “element of design” means any control system (e.g., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine, as defined in 40 C.F.R. §§ 86.094-2 and 86.1803-01.

10. The term “emission related parts” means those parts installed for the specific purpose of controlling emissions, or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance, as defined in 40 C.F.R. § 85.2102.
11. The term “engine derate” or “limp-home mode” means an ECM mode that reduces the engine power after the OBD system identifies a problem with an emission-related system.
12. The term “engine tune” or “tune” means any combination of software programming, calculations, computer logic, tables of information (e.g., fuel timing maps), coding, or other content or information, stored in any form, capable of affecting or controlling an ECM.
13. The term “engine tuner” or “tuner” means any device or product capable of accessing, altering, or replacing the software programming, calculations, computer logic, tables of information (e.g., fuel timing maps), coding, or other content or information stored within or used by an ECM.
14. The term “entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association. A reference to any entity by name includes the entity and any of the entity’s affiliated organizations, predecessors, successors, and assignees.
15. The term “exhaust gas recirculation” or “EGR” means the strategy for controlling NOx emissions by recirculating a portion of engine exhaust gas into the cylinders of the engine, together with all hardware, components, parts, sensors, subassemblies, software, AECDs, and calibrations that collectively constitute the system for implementing this strategy and for adjusting the volume of exhaust gas in the engine cylinders.
16. The term “H&S” includes, but is not limited to, any of the following individuals or entities acting together or individually: H&S Performance, LLC, Bentley Hugie, Casey Shirts, any parent organizations, affiliates, predecessors, successors, and assignee organizations, as well as any former employees of any of these entities.
17. The term “H&S Products” includes, but is not limited to, products or components of products formerly sold by H&S and products advertised by Rudy’s with the names, or variations of the names, “H&S,” “XRT Pro,” “Mini Maxx,” or “Black Maxx.” The term also includes, but is not limited to, any technology used to manufacture these products, such as computers or computer programming, as well as all component parts of these products, including hardware, firmware, software and tune files.
18. The term “information” includes any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intraoffice communications, electronic mail (“email”), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting, or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, presentations, spreadsheets,

and worksheets. The term “information” includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term “information” also includes any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voicemails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back-up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. Information bearing any notation not part of the original text is considered to be separate information. A draft or non-identical copy is separate information within the meaning of this term.

19. The term “manufacture” includes the creation, design, development, alteration, fabrication, production, or programming of a software code, software, hardware, program, element of design, calibration, engine tune, engine tuner, device, part, or component.
20. The term “NOx adsorber catalyst” or “NAC” means the strategy for controlling NOx emissions from partial lean burn gasoline engines and from diesel engines, by means of a periodic process of adsorbing the NOx emissions on the NAC during lean combustion and regenerating the NAC by short richer than stoichiometric combustion, together with all hardware, components, parts, sensors, subassemblies, software, AECDs, and calibrations that collectively constitute the system for implementing this control strategy.
21. The term “onboard diagnostics” or “OBD” means the strategy for monitoring the functions and performance of the emission control system and all other systems and components that must be monitored under 13 C.C.R. §§ 1968.1 and 1968.2, for identifying and detecting malfunctions of such monitored systems and components, and for alerting the driver of such potential malfunctions by illuminating the malfunction indicator light (“MIL”), together with all hardware, components, parts, sensors, subassemblies, software, AECDs, and calibrations that collectively constitute the system for implementing this strategy.
22. The term “person” includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
23. The term “product” includes any software code, software, hardware, program, element of design, calibration, engine tune, engine tuner, device, part, or component.
24. The term “Punch It” includes, but is not limited to, any of the following individuals or entities acting together or individually: Michael Schimmack, Punch It Performance LLC, Punch It Performance and Tuning LLC, D N S Enterprises of Florida, Inc. d/b/a Punch It Performance, Punch It Products LLC, Punch It Properties LLC, REI Research Group, Inc., and any parent organizations, affiliates, predecessors, successors, and assignee organizations.
25. The term “Quarter Mile Tunz” includes, includes, but is not limited to, any of the following individuals or entities acting together or individually: Quarter Mile Tunz, Red Deer Exhaust Inc., Apex Tuning, Inc., Flo-Pro Performance Exhaust, Don Schumacher, and any parent organizations, affiliates, predecessors, successors, and assignee organizations.

26. The term “Rudy’s” includes, but is not limited to, any of the following individuals or entities acting together or individually: Aaron Rudolf, Rudy’s Performance Parts, Inc., Rudy’s Diesel, Rudy’s LLC, Carolina Performance Parts, Inc., and Outlaw Diesel Super Series (“Rudy’s”), and any of their parent organizations, affiliates, predecessors, successors, and assignees.
27. The term “Rudy’s Partial Response to the 2016 RFI” refers to the information that Rudy’s provided in response to the EPA’s Request for Information dated December 7, 2016.
28. The term “selective catalytic reduction” or “SCR” means all hardware, components, parts, sensors, subassemblies, software, AECDs, calibrations, and other elements of design that collectively constitute the system for controlling NOx emissions through catalytic reduction using an ammonia-based diesel exhaust fluid (“DEF”) as the reducing agent, including without limitation all hardware, components, parts, sensors, subassemblies, software, AECDs, calibrations, and other elements of design relating to (1) the DEF storage tank; (2) the DEF injectors, (3) the dosing control unit, and (4) the SCR catalysts assembly.
29. The term “You” includes, but is not limited to, any of the following individuals or entities acting together or individually: Aaron Rudolf, Rudy’s Performance Parts, Inc., Rudy’s Diesel, Rudy’s LLC, Carolina Performance Parts, Inc., and Outlaw Diesel Super Series (“Rudy’s”), and any of their parent organizations, affiliates, predecessors, successors, and assignees.

Appendix B
Instructions for Responses

1. Provide a complete, detailed response, to each Request in Appendix C below.
2. Appendix F consists of an Excel workbook in which You are requested to organize Your responses to Requests 1 through 10. Please populate the workbook with Your responses to Requests 1 through 10 in accordance with all instructions. Requests 1 through 10 are summarized in Appendix F for Your convenience only. The Request summaries in Appendix F are not substitutes for the full text of the Requests in Appendix C.
3. Provide Your responses to Requests 11 through 22 in electronic form (e.g., a Word document).
4. Where a Request allows or requires documents to be provided in response, provide all documents electronically in a folder specific to that question or subpart and labeled accordingly. Provide copies of documents, not original documents.
5. For each response, please provide the number of the Request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, please provide the number of the Request to which it responds.
6. When a response is provided in the form of a number, specify the units of measure.
7. Where documents or information necessary for a response are not in Your possession, custody, or control, indicate in Your response why such documents or information are not available or in Your possession, custody, or control, and identify any source that either possesses or is likely to possess such information.
8. Where You have previously submitted information to the EPA that is responsive to any of the Requests set forth in Appendix C, re-submit that information in accordance with these instructions (Appendix B).
9. Please provide Your response to this Information Request in electronic form (e.g., flash drive, CD, DVD). All responsive documents and materials (e.g., copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable format, number stamped in sequential order (e.g., BATES stamped). Where spreadsheets are responsive to a Request, produce them in unlocked electronic spreadsheet format, such as .xlsx or .csv (locked files are unacceptable).
10. You must promptly supplement Your response to any Request in Appendix C in the event You learn that You possess responsive information not yet produced or if You gain possession, custody, or control of responsive information after responding to this Information Request.

Appendix C

Information Request

Provide the following information to the EPA, pursuant to Section 208 of the CAA, 42 U.S.C. § 7542.

Provide the following information in Appendix F, Worksheet 1.

1. In Appendix F, Worksheet 1, identify each engine tuner or engine tune that Rudy's manufactured, sold, or offered for sale during the period January 1, 2014, through the date of this Information Request, that:
 - a. permanently or temporarily changes, affects, or bypasses a motor vehicle's emission related parts, including but not limited to the:
 - i. DPF;
 - ii. EGR;
 - iii. SCR;
 - iv. NAC;
 - v. catalyst;
 - vi. OBD;
 - vii. fuel injection timing;
 - viii. fuel injection quantity, pulse width, or pressure;
 - ix. spark timing;
 - x. turbocharger operation and/or boost;
 - xi. air flow or air to fuel ratio;
 - xii. open loop/close loop operation;
 - xiii. smoke limiter strategy; or
 - xiv. any sensors, signals, or records related to these systems;
 - b. permanently or temporarily bypasses or disables operation of a motor vehicle's emission related parts, including but not limited to the:
 - i. DPF;
 - ii. EGR;
 - iii. SCR;
 - iv. NAC;
 - v. catalyst;
 - vi. OBD; or
 - vii. any sensors, signals, or records related to these systems.
 - c. can reprogram or overwrite an ECM; or
 - d. together with the addition, modification, or removal of a motor vehicle's parts, has the effect of permanently or temporarily changing, affecting, bypassing, defeating, or rendering inoperative a motor vehicle emission control device or emission related part.
2. In Appendix F, Worksheet 1, identify all products other than engine tunes and engine tuners that Rudy's manufactured, sold, or offered for sale during the period January 1, 2014, through the date of this Information Request, that permanently or temporarily bypasses or disables operation of a motor vehicle's emission related parts, including but not limited to

the:

- a. DPF;
- b. EGR;
- c. SCR;
- d. NAC;
- e. catalyst; or
- f. any sensors, signals, or records related to these systems.

Examples of such products include, but are not limited to, EGR delete kits, and exhaust delete pipes.

- 3. For each product identified in response to Requests 1 and 2, provide the:
 - a. part number, item code, or other unique identifier used by Rudy's;
 - b. product manufacturer;
 - c. quantity Rudy's purchased from January 1, 2014, through the date of this Information Request;
 - d. price Rudy's paid for each product;
 - e. name of each person or entity from whom Rudy's purchased each product;
 - f. quantity Rudy's sold during the period January 1, 2014, through the date of this Information Request;
 - g. average Rudy's sale price; and
 - h. quantity Rudy's installed during the period January 1, 2014, through the date of this Information Request.
- 4. For each product identified in response to Requests 1 and 2, provide the product's vehicle applications by make, model, engine type, and year.
- 5. For each product identified in response to Request 1, indicate whether:
 - a. it is a tuner sold without tunes;
 - b. it is a tuner sold with tunes from the tuner manufacturer;
 - c. it is a tuner sold with tunes manufactured by Rudy's;
 - d. it is a tuner sold with tunes manufactured by a third party;
 - e. it is a tune manufactured by Rudy's and sold without a tuner; or
 - f. if the answer to all of the previous four questions is no, describe the product in detail.
- 6. For each product identified in response to Requests 1 and 2 manufactured by Rudy's, identify:
 - a. for tune products, all compatible tuners;
 - b. the name of each person who contributed to the manufacture, creation, design, development, fabrication, production, or programming of the product; and
 - c. the name of each person, entity, or brand under which the product has been marketed, packaged, sold, or distributed (e.g., "Rudy's EGR Cooler Upgrade Kit").
- 7. For each product identified in response to Request 1, indicate whether:
 - a. the product is capable of disabling the EGR without illuminating a MIL or prompting

- any on-board DTC;
- b. the product is capable of disabling the EGR without any engine derating;
- c. the product is capable of allowing the removal of the EGR without illuminating a MIL or prompting any on-board DTC;
- d. the product is capable of allowing the removal of the EGR without any engine derating;
- e. the product is capable of allowing removal of a DPF without illuminating a MIL or prompting any DTC;
- f. the product is capable of allowing removal of a DPF without any engine derating;
- g. the product is capable of allowing removal of a catalyst without illuminating a MIL or prompting any DTC;
- h. the product is capable of allowing removal of a catalyst without any engine derating;
- i. the product is capable of allowing removal of a SCR system without illuminating a MIL or prompting any DTC;
- j. the product is capable of allowing removal of a SCR system without any engine derating;
- k. the product is capable of bypassing or altering parameters to prevent DTCs or MILs from being recorded or illuminated.

Provide the following information in Appendix F, Worksheet 2.

8. For each product identified in response to Requests 1 and 2 that Rudy's sold during the period January 1, 2014 through the date of this Information Request, provide all sales information using the format provided in Appendix F, Worksheet 2.

Provide the following information.

9. For each product identified in response to Requests 1 and 2, provide the following information:
 - a. a description of the product.
 - b. a description of all stock components the product replaces.
 - c. a description of how the product differs from the stock components it replaces or how the product changes the stock configuration. If the product is a tune, provide a description of how the product differs from the stock ECM calibration or specifically changes the stock ECM calibration. You may submit engine calibration maps (e.g., mass fuel maps, injection duration maps, etc.). Any engine calibration map You submit must include a description of the calibration map and a description of how the product modifies the calibration map.
10. For each product identified in response to Requests 1 and 2, to the extent not already provided:
 - a. provide a detailed written description of all methods by which the product has been promoted or publicized by Rudy's, including but not limited to, print media, commercial websites, point-of-sale webpages, event promotion or sponsorship, trade show promotion, or social media promotion, including promotion dates and/or date ranges, if applicable;

- b. provide copies of all advertisements for the product published in print or electronic media, including commercial websites, point-of-sale webpages, or social media;
 - c. provide a list of other entities known to have advertised the product; and
 - d. provide all manuals available (e.g., owner's and installation).
11. For products identified in response to Requests 1 and 2, state whether Rudy's or any other entity conducted tests measuring emissions of hydrocarbons, carbon monoxide, nitrogen oxides, or particulate matter, including tests that measure the impact of the product on motor vehicle emissions or that measure the impact of the product on a vehicle's emission control devices or elements of design. For each such test, provide the following information:
- a. a description of the test, including identification of the product and vehicle, the EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures;
 - b. a sample test report and any training or instructional materials used for educating employees and affiliates about how to perform the test; and
 - c. the date and location of the test, the name and position of the person that conducted the test, and the test results.
12. For products that are identified in response to Requests 1 and 2, state whether Rudy's or any other entity submitted an application for an Executive Order to the California Air Resources Board and, if so, provide a copy of the application for each product. State whether each product received an Executive Order exempting the product from California's emission control system anti-tampering law, California Vehicle Code Section 27156. If the product received an Executive Order, provide the Executive Order number and state whether the California Air Resources Board required changes to the product or application to receive approval.
13. Provide a detailed, written description of any changes in Rudy's business structure that have occurred between January 1, 2014, through the date of this Information Request, including but not limited to any change in ownership, corporate form, or affiliated organizations, and any and all supporting documentation (including but not limited to contracts and licenses).
14. Provide a detailed, written description of the business relationship between Rudy's and the manufacturer of each product identified in response to Requests 1 and 2, including any changes to the business relationship since its inception, and any and all supporting documentation (including but not limited to contracts and licenses).
15. Provide a detailed, written description of Rudy's role in the manufacture, creation, design, development, fabrication, production, or programming of each product identified in response to Requests 1 and 2.
16. Provide a list of all current and former employees (including independent contractors) of Rudy's, without date restriction, indicating each employee's dates of employment, job title(s), and job responsibilities.
17. Provide the address of any and all warehouses, storage facilities, or other locations where

Rudy's stores products.

18. Identify each person responsible for responding to this Information Request, including his or her title, and the Request(s) to which he or she responded.
19. Please state "yes" or "no," if, since January 1, 2014, Rudy's has installed a part or component on or modified any compression or spark ignition engine.
20. If the answer to the previous question is yes, provide a full detailed account of the installations and/or modifications of those vehicles and engines, including, but not limited to:
 - a. all locations where such installations and/or modifications were conducted;
 - b. invoices and/or work orders;
 - c. parts and components installed;
 - d. the make and model of each vehicle/engine;
 - e. a description of the ECM tuning conducted;
 - f. a listing of any tunes or tuners installed;
 - g. and the names of the individuals who conducted the installation and/or modifications.

Punch-It Performance

21. List the name(s) of all person(s) that Rudy's communicated with to complete the transactions with REI Research Group listed in Rudy's Partial Response to the 2016 RFI (pages RUD_EPA_0015219- RUD_EPA_0015222).
22. Please provide the contact information for the person(s) listed in the response to the previous question.
23. Please state "yes" or "no," if, Rudy's provided all correspondence between Rudy's and the email address michael@punchitperformance.com in Rudy's Partial Response to the 2016 RFI, including any correspondence between Rudy's and the email address since Rudy's Partial Response to the 2016 RFI?
24. If the answer to the previous question is "no," provide any correspondence that has not yet been provided to the EPA.
25. Please state "yes" or "no," if, Rudy's provided a full list of payments from Rudy's to Punch It in Rudy's Partial Response to the 2016 RFI, including any payments made since Rudy's Partial Response to the 2016 RFI?
26. If the answer to the previous question is "no," provide a list of any payments not yet identified to the EPA.
27. Provide a list of all products exchanged between Punch It and Rudy's.
28. For each product identified in response to the previous question, indicate whether:
 - a. the product has also been identified in response to Requests 1 and 2;

- b. if the product has not been identified in response to Requests 1 and 2, describe the product in detail.
29. Please state “yes” or “no”: is Rudy’s currently conducting business with Punch It?
30. If the answer to the previous question is “yes,” describe the nature of the relationship and, if applicable, a list of all products that have been exchanged since February 1, 2017.
31. Provide a list of all known email addresses associated with Punch It.
32. For each email address provided in response to the previous question, please describe how Rudy’s searched for correspondence between Rudy’s and each email address, and whether all correspondence involving that email address was ultimately provided in Rudy’s Partial Response to the 2016 RFI.
33. Please provide all email addresses that Rudy’s used to communicate with Punch It.
34. For each email address provided in response to the previous question, please describe how Rudy’s searched for correspondence related to that email address, and whether all correspondence involving that email address and communications with Punch It was ultimately provided in Rudy’s Partial Response to the 2016 RFI.
35. Please state “yes” or “no”: did Rudy’s provide all correspondence between rudysperformanceparts@gmail.com and Punch It in Rudy’s Partial Response to the 2016 RFI?
36. If the answer to the previous question is “no,” provide any correspondence that was not previously provided in Rudy’s Partial Response to the 2016 RFI, including any correspondence between rudysperformanceparts@gmail.com and Punch It since Rudy’s Partial Response to the 2016 RFI.
37. Please state “yes” or “no”: did Rudy’s provide all correspondence between arudolf@rudysdiesel.com and Punch It in Rudy’s Partial Response to the 2016 RFI, including any correspondence between arudolf@rudysdiesel.com and Punch It since Rudy’s Partial Response to the 2016 RFI.
38. If the answer to the previous question is “no,” provide any correspondence that was not previously provided in Rudy’s Partial Response to the 2016 RFI.

H&S Products

39. Provide a list of all H&S Products sold by Rudy’s.
40. Please identify the source of all H&S Products that Rudy’s has sold since January 1, 2014, including, but not limited to:
- a. The name(s) and contact information of any person(s) who sold H&S Products to

Rudy's;

- b. The name(s) and contact information of any person(s) who manufactured H&S Products for Rudy's.

Please answer separately for each component of any H&S product sold, including tune files.

- 41. Please provide a narrative description of the relationship between Rudy's and any of the sources identified in the response to the previous question.
- 42. Please provide all correspondence, contracts, and agreements between Rudy's and any source of H&S Products.
- 43. Please state "yes" or "no," has Rudy's purchased products from H&S since December 17, 2015.
- 44. For each product that Rudy's has purchased from H&S since December 17, 2015, indicate whether:
 - a. the product has also been identified in response to Requests 1 and 2;
 - b. if the product has not been identified in response to Requests 1 and 2, describe the product in detail.
- 45. Please state "yes" or "no," did Rudy's purchase a laptop from H&S, or any other entity, that contained H&S Products since December 17, 2015.
- 46. Please state "yes" or "no," if, since February 1, 2017, Rudy's has purchased or manufactured H&S Products.
- 47. If the answer to the previous questions is "yes," provide the following information about each product:
 - a. The quantity purchased;
 - b. The quantity manufactured;
 - c. The name(s) of the person(s) who sold each H&S Product to Rudy's;
 - d. The name(s) of the person(s) who manufactured each H&S Product for Rudy's;
 - e. The address of the source(s) of each H&S Product;
 - f. Any other contact information for the source(s) of H&S Products.
- 48. Is Rudy's actively engaged in any business relationship with the person(s) described in the response to the previous question.
- 49. For each H&S Product sold by Rudy's, indicate whether:
 - a. the H&S Product has also been identified in response to Requests 1 and 2;
 - b. if the H&S Product has not been identified in response to Requests 1 and 2, describe the H&S Product in detail.
- 50. Please state "yes" or "no," if Rudy's currently owns or is in possession of any H&S Products.
- 51. If the answer to previous question is "yes," provide a list and quantity of such H&S Products

currently owned or in possession by Rudy's.

52. Please state "yes" or "no," if, since February 1, 2017, Rudy's has purchased any H&S Products.
53. Please state "yes" or "no," if, since December 17, 2015, H&S has provided technical support for Rudy's.
54. If "yes" describe the nature of such technical support.
55. Provide copies of all packaging or labeling bearing the words "H&S" that Rudy's affixed to any product prior to sale.

Quarter Mile Tunz

56. Please provide a narrative description of the relationship between Rudy's and Quarter Mile Tunz.
57. Please provide all correspondence, contracts, and agreements between Rudy's and Quarter Mile Tunz.
58. Please state "yes" or "no," if, since February 1, 2017, Rudy's has purchased products from Quarter Mile Tunz.
59. If the answer to the previous questions is "yes," provide the following information about each product:
 - a. The quantity purchased;
 - b. The name(s) of the person(s) who sold each product to Rudy's;
 - c. The address of the source(s);
 - d. Any other contact information for the source(s).
60. Is Rudy's actively engaged in any business relationship with the person(s) described in the response to the previous question.
61. For each product that Rudy's purchased from Quarter Mile Tunz, indicate whether:
 - a. the product has also been identified in response to Requests 1 and 2;
 - b. if the product has not been identified in response to Requests 1 and 2, describe the product in detail.
62. Please state "yes" or "no," if Rudy's currently owns or is in possession of any products purchased from Quarter Mile Tunz.
63. If the answer to previous question is "yes," provide a list and quantity of such products currently owned or in possession by Rudy's.
64. Please state "yes" or "no," if, since February 1, 2017, Rudy's has purchased products from

Quarter Mile Tunz.

Edge Products

65. Please provide a narrative description of the relationship between Rudy's and Edge Products.
66. Please provide all correspondence, contracts, and agreements between Rudy's and Edge Products.
67. Please state "yes" or "no," if, since January 1, 2014, Rudy's has purchased or sold any of the following products:
- a. Edge Racing Evolution (Part No. 15500)
 - b. Edge Racing Evolution (Part No. 25500)
 - c. Edge Racing Juice with Attitude (Part No. 30908)
 - d. Edge Racing Juice/Attitude CS (Part No. 31205)
 - e. Edge Racing Juice/Attitude CS (Part No. 31206)
 - f. Edge Racing Juice/Attitude CTS (Part No. 31305)
 - g. Edge Racing Juice/Attitude CTS (Part No. 31306)
 - h. Edge Racing Evolution CS (Part No. 85600)
 - i. Edge Racing Evolution CTS (Part No. 85700)
68. If the answer to the previous questions is "yes," provide the following information about each product:
- a. The quantity purchased;
 - b. The name(s) of the person(s) who sold each product to Rudy's;
 - c. The address of the source(s);
 - d. Any other contact information about the source(s); and
 - e. The quantity sold by Rudy's.
69. Is Rudy's actively engaged in any business relationship with the source of any of the products identified in the prior response.
70. For each product identified in response to Requests 67 and 68, indicate whether:
- a. the product has also been identified in response to Requests 1 and 2;
 - b. if the product has not been identified in response to Requests 1 and 2, describe the product in detail.
71. Please state "yes" or "no," if Rudy's currently owns or is in possession of any products identified in response to Requests 67 and 68.
72. If the answer to the previous question is "yes," provide a list and quantity of such products currently owned or in possession by Rudy's.

Appendix D

Confidential Business Information

An entity may assert a business confidentiality claim covering all or part of the information provided in response to this Information Request for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 208(c) of the CAA, entities are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. EPA will construe a failure to furnish a business confidentiality claim with a response to this Information Request as a waiver of that claim, and the information may be made available to the public without further notice.

Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number EP-W-15-006. An entity may submit any comments to the EPA with its assertion of a business confidentiality claim.

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time it provides its response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that an entity must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without its consent, and (4) the disclosure of the information is likely to cause substantial harm to its business’s competitive edge. *See* 40 C.F.R. §§ 2.208 (a)-(e). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If an entity asserts a claim of business confidentiality in connection with information and documents forwarded in response to this Information Request, in accordance with 40 C.F.R. § 2.204(e)(4), it must answer the following questions with respect to any information or document for which it asserts a claim of business confidentiality:

1. What specific portions of the information are allegedly to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to the claim.
2. For what period of time do you request that the information be maintained as confidential (e.g., until a certain date, until the occurrence of a specified event or permanently)? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of that harm, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding requests? If so, you may provide such additional explanation.

An entity must furnish responses to the above questions concurrent with its response to this Information Request if it has claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), an entity may request an extension of this deadline.

The EPA will construe a failure to furnish timely responses to the above questions as a waiver of any confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please provide responses to:

Lauren Tozzi, Esq.
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
William Jefferson Clinton Federal Building, Room 1111-C
Washington, D.C. 20004

Pursuant to 40 C.F.R. § 2.205(c), be hereby advised that information provided as part of any comments may be entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), an entity may assert a business confidentiality claim covering all or part of its response to these Requests, as provided in 40 C.F.R. § 2.203(b). Information covered by such a business confidentiality claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with the comments as a waiver of that claim, and the information may be made available to the public without further notice.

Appendix E
Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Information Request, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by Rudy's Performance Parts, Inc., and its parent organizations, affiliates, predecessors, successors, and assignees, to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

Appendix F
Excel Workbook

Will be provided electronically via email


CERTIFICATE OF MAILING

I, Lauren Tozzi, certify that on this day I sent this Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a), by Certified Mail, return receipt requested, to:

Mr. Aaron Rudolf
Rudy's Performance Parts, Inc.
7422 Whitsett Park Road
Burlington, NC 27215

Mr. Darrell A. Fruth
Brooks Pierce
1700 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, NC 27601

Date: 10/1/18



Lauren Tozzi, Attorney-Advisor
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
William J. Clinton Federal Building, Room 1111-C
Washington, D.C. 20004
(202) 564-4904
tozzi.lauren@epa.gov